



07-16-03

1654

July 15, 2003

## RECEIVED

JUL 17 2003

VIA EXPRESS MAIL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900



Re: U.S. Patent Application Serial No: 09/911,253  
Filed: July 23, 2001  
Entitled: OPTICAL DISK-BASED ASSAY DEVICES AND METHODS  
Inventor: Jorma Virtanen  
Our File No.: BTI1 96100449(USP2)USP3X1D1

Dear Sir:

Enclosed for filing in the above-referenced application are the following documents:

1. Cover Letter
2. Power of Attorney by Assignee  
Exhibit A: Request for Entry of Certificate Under 3.73(b)  
Exhibit B: Certificate Under 3.73(b)  
Exhibit C: Assignment from Jorma Virtanen to Burstein Laboratories, Inc.  
Exhibit D: Name Change documents with certification by the Secretary of State
3. Associate Power of Attorney
4. Certificate of Express Mail No. ER 274989905US dated July 15, 2003
5. Return Postcard

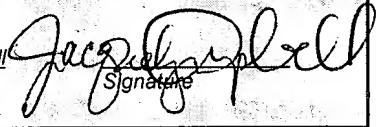
Please indicate on the enclosed postcard the date of receipt of the enclosed materials and mail this pre-paid postcard to acknowledge receipt of this transmittal.

Very truly yours,

  
Donald Bollella  
Chief Patent Counsel  
Registration No. 35,451

I certify that this document is being submitted to the U.S. Patent and Trademark Office under 37 C.F.R. § 1.10 on July 15, 2003 using U.S. Express Mail No. ER 274989905US

Jacquelyn Campbell  
Print Name

Signature 

Encl.

DB:jc

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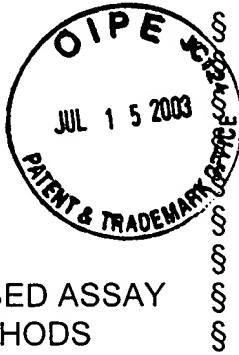
#8  
PMT  
7-31-03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Jorma Virtanen

Serial No.: 09/911,253

Filed: July 23, 2001

For: OPTICAL DISK-BASED ASSAY  
DEVICES AND METHODS

Art Unit: 1656

Examiner: To Be Assigned

Attorney Docket No.  
BTI1 96100449(USP2)USP3X1D1

Commissioner for Patents

P.O. Box 1450

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TECH CENTER 1000/200

Sir:

## ASSOCIATE POWER OF ATTORNEY

Please recognize Guy Porter Smith, Esq., Registration No. 20,142, from the firm of OPPENHEIMER WOLFF & DONNELLY, LLP, 2029 Century Park East, Suite 3800, Los Angeles, California 90067-3024, as associate attorney in the further prosecution of the above-identified application.

Please address all future correspondence to:

Guy Porter Smith, Esq.  
**OPPENHEIMER WOLFF & DONNELLY, LLP**  
233 Wilshire Blvd., Ste 700  
Santa Monica, CA 90401

Direct all telephone calls to Guy P. Smith at (310) 788-5000.

Applicant believes that no fee is required for filing this communication. The Commissioner is, however, hereby authorized to charge or credit any fees connected with this communication to Deposit Account No. 50-1781.

Date: July 15, 2003

Respectfully submitted,  
  
Donald Bollella  
Registration No. 35,451

BURSTEIN TECHNOLOGIES, INC.  
LEGAL DEPARTMENT  
163 Technology Drive, Suite 200  
Irvine, California 92618  
Telephone: (949) 453-1800



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

## **REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY BY ASSIGNEE**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Sir:

The undersigned, Richard Burstein, President of BURSTEIN TECHNOLOGIES, INC., hereby appoints Donald Bollella, Registration No. 35,451, of Burstein Technologies, Inc., Suite 200, Irvine, California 92618, telephone number (949) 453-1800, to prosecute this patent application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent. All previous powers of attorney are hereby revoked.

Attached hereto in support of the above are:

- A) Request for Entry of Certificate Under 3.73(b);
- B) Certificate Under 3.73(b) listing the chain of ownership;
- C) Relevant assignment from Jorma Virtanen to Burstein Laboratories, Inc.
- D) Name change document with certification by the Secretary of State

#### CORRESPONDENCE INSTRUCTIONS

Please direct all future correspondence to the following address:

Donald Bollella, Esq.  
Chief Patent Counsel  
LEGAL DEPARTMENT  
BURSTEIN TECHNOLOGIES, INC.  
163 Technology Drive, Suite 200  
Irvine, CA 92618

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JUL 17 2003

TECH CENTER 1600/2900

Direct all telephone calls to Donald Bollella at (949) 453-1800.

Respectfully Submitted,  
BURSTEIN TECHNOLOGIES, INC.

  
Richard Burstein  
President and CEO

Date: July 15, 2003

BURSTEIN TECHNOLOGIES, INC.  
163 Technology Drive, Suite 200  
Irvine, CA 92618  
(949) 453-1800

DB:jc

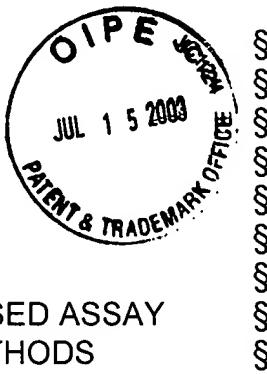
## **EXHIBIT A**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Jorma Virtanen

Serial No.: 09/911,253

Filed: July 23, 2001

For: OPTICAL DISK-BASED ASSAY  
DEVICES AND METHODS

Art Unit: 1656

Examiner: To Be Assigned

Attorney Docket No.:  
BTI1 96100449(USP2)USP3X1D1REQUEST FOR ENTRY OF CERTIFICATE  
UNDER 37 C.F.R. SECTION 3.73(b) AND SUPPORTING STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 17 2003

Sir:

TECH CENTER 1600/2900

In further support of Assignee's interest herein, Applicant respectfully requests entry of the following Certificate Under 37 C.F.R. Section 3.73(b) in connection with the above-identified application.

Applicant believes that no fee is required for filing this communication. The Commissioner is, however, hereby authorized to charge or credit any fees connected with this communication to Deposit Account No. 50-1781.

Date: July 15, 2003

Respectfully submitted,  
Donald Bolella  
Registration No. 35,451

BURSTEIN TECHNOLOGIES, INC.  
LEGAL DEPARTMENT  
163 Technology Drive – Suite 200  
Irvine, California 92618  
(949) 453-1800

## **EXHIBIT B**

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Jorma Virtanen

Application No.: 09/911,253 Filed: July 23, 2001



Entitled: Optical Disk-Based Assay Devices and Methods

Burstein Technologies, Inc., a Corporation,

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached;

OR

B. [X] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: Jorma A. Virtanen To: Burstein Laboratories, Inc.

The document was recorded in the Patent and Trademark Office at Reel 9387, Frame 0118, or for which a copy thereof is attached.

2. From: Burstein Laboratories, Inc To: Burstein Technologies, Inc.

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[X] Copies of assignments or other documents in the chain of title are attached.

**STATEMENT IN SUPPORT OF ASSIGNEE'S INTEREST**

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 15, 2003

Date



Donald Bollella  
Chief Patent Counsel

## **EXHIBIT C**



NOVEMBER 12, 1998



PTAS

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*100798370A\*

FISH & NEAVE  
DANIEL M. BECKER  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION  
OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER  
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE  
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA  
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD  
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY  
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.  
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,  
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,  
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/14/1998

REEL/FRAME: 9387/0118  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
VIRTANEN, JORMA

DOC DATE: 08/10/1998

ASSIGNEE:  
BURSTEIN LABORATORIES, INC.  
28111 AMBAR  
MISSON VIEJO, CALIFORNIA 92692

SERIAL NUMBER: 09120049  
PATENT NUMBER:

FILING DATE: 07/21/1998  
ISSUE DATE:

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

CRG/COPY  
SENT TO  
CALIFORNIA  
*D. Lanahan*

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NOV 14 1998

FISH & NEAVE - PATENT DEPT.  
REFERRED TO DNR  
NOTED BY \_\_\_\_\_

Tab settings □ □ □ ▼

R

08-21-1998

1 SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

AUG 14

To the Honorable Commissioner of

100798370

attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Jorma Virtanen

med  
8-14-98

## 2. Name and address of receiving party(ies)

Name: Burstein Laboratories, Inc.

Internal Address:

Street Address: 28111 AmbarCity: Mission Viejo State: CA ZIP: 92692

## 3. Nature of conveyance:

 AssignmentO I P E  
JUL 15 2003 Merger Security Agreement Change of Name Other \_\_\_\_\_Execution Date: August 10, 1998Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

09/120,049

## B. Patent No.(s)

JUL 17 2003

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TECH CENTER 1600/2900Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved:  1Name: Daniel M. Becker

Internal Address: \_\_\_\_\_

7. Total fee (37 CFR 3.41).....\$ 40.00 Enclosed Authorized to be charged to deposit account

08/19/1998 DNGUYEN 00000055 09120049

FC:581

40.00 OP

Street Address: c/o FISH & NEAVE1251 Avenue of the AmericasCity: New York State: NY ZIP: 10020

## 8. Deposit account number:

06-1075

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Daniel M. Becker

Name of Person Signing

Signature

Total number of pages including cover sheet, attachments, and document:  4

8/11/98

Date

A S S I G N M E N T

WHEREAS, I, Jorma Virtanen, residing at 5005 Paseo Segovia, Irvine, California 92612, have made an invention entitled:

OPTICAL DISK-BASED ASSAY DEVICES AND METHODS

and have made an application for United States Letters Patent therefor filed July 21, 1998 and assigned Serial No. 09/120,049; and

WHEREAS, BURSTEIN LABORATORIES, INC., a corporation organized and existing under the laws of the State of California and having an address of 28111 Ambar, Mission Viejo, California 92692, is desirous of acquiring the entire interest in said invention, said United States patent application and in any Letters Patent which may issue thereon;

NOW, THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) paid, and other good and valuable consideration, the receipt of sufficiency of which is hereby acknowledged, I do hereby sell, assign and transfer unto the said BURSTEIN LABORATORIES, INC., its successors, assigns and legal representatives, all right, title and interest in and to said invention and any improvements thereof for all countries of the world, and in and to said United States patent application, including any continuations and divisions thereof, and any substitute applications therefor, and including the right to claim priority under the International Convention based on said patent application, and any patent which may issue thereon, and any reissues of the same; and all right, title and interest in and to every patent application filed or to be filed on said invention in any other country, including renewals, revivals, continuations and divisions thereof, and any substitute applications therefor,

and any and all patents which may issue thereon, and any reissues and extensions of the same;

and I hereby authorize and request competent authorities to grant and issue any and all patents on said invention to the said BURSTEIN LABORATORIES, INC. as the assignee of the entire interest therein; and I further agree to execute upon request of the assignee such additional documents, if any, as are necessary and proper to secure patent protection on said invention throughout all countries of the world, and to otherwise give full effect to and perfect the rights of the assignee under this Assignment.

IN TESTIMONY WHEREOF, I have hereunto signed my name and affixed my seal on the date indicated hereinafter.

8/10/98

Date

J. Virtanen

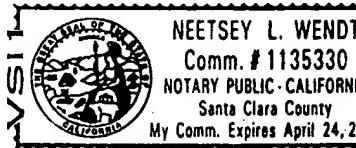
Jorma Virtanen

STATE OF California)

: ss.:

COUNTY OF Santa Clara)

On this 10 day of August, 1998, appeared before me in person the above-named Jorma Virtanen and acknowledged the above to be her signature and that he signed, sealed and delivered the above instrument as his voluntary act and deed, and for the uses and purposes therein set forth.



(Notarial seal)

My Commission expires:

April 24, 2001

## **EXHIBIT D**



JUL 15 2003

State of Delaware

PAGE 1

## Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BURSTEIN LABORATORIES, INC.", CHANGING ITS NAME FROM "BURSTEIN LABORATORIES, INC." TO "BURSTEIN TECHNOLOGIES, INC.", FILED IN THIS OFFICE ON THE TWENTI-SIXTH DAY OF JANUARY, A.D. 2000, AT 6 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

2519137 8100

001048681

*Edward J. Freel*  
Edward J. Freel, Secretary of State

0231347

AUTENTICATION:

02-02-00

DATE:



## CERTIFICATE OF AMENDMENT

OF

## CERTIFICATE OF INCORPORATION

Burstein Laboratories, Inc.

Burstein Laboratories, Inc., a corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

## DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, at a meeting duly held, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Amended Certificate of Incorporation of Burstein Laboratories, Inc., be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

The name of this corporation shall be Burstein Technologies, Inc.

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware and written notice of the adoption of the amendment has been given as provided in Section 228 of the General Corporation Law of the State of Delaware to every stockholder entitled to such notice.

IN WITNESS WHEREOF, said Burstein Laboratories, Inc. has caused this certificate to be signed by Ed Deese its Secretary, this 20<sup>th</sup> day of January, 2000.

By: Ed Deese

Ed Deese, Secretary